

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Brian D. Cunningham Confirmation No.: 5291

Serial No.: 10/803,120 Group Art Unit: 2445

Filed: March 17, 2004 Examiner: Ryan J. Jakovac

FOR: **SYSTEM AND METHOD FOR DETECTING AND FILTERING UNSOLICITED AND UNDESIRED ELECTRONIC MESSAGES**

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(c)

In accordance with the duty of disclosure set forth in 37 C.F.R. §1.56, Applicant(s) hereby submits the following information in conformance with 37 C.F.R. §§1.97 and 1.98.

- Pursuant to 37 C.F.R. §1.98, a copy of each non-US patent document cited in the attached Form PTO/SB/08 is enclosed.
- No copies of the publications listed on the attached Form PTO/SB/08 are being provided pursuant to 37 C.F.R. §1.98(d) because the publications were previously cited by or submitted to the Office in prior Application Serial No. \_\_\_\_ to which the above-identified application claims priority under 35 U.S.C. §120.
- No copies of any U.S. patents or U.S. patent application publications listed on the attached Form PTO/SB/08 are being provided pursuant to 37 C.F.R. §1.98.
- Publications listed on the attached Form PTO/SB/08 were cited in a foreign search or examination report corresponding to \_\_\_\_\_ application serial no. \_\_\_\_\_ and mailed on \_\_\_\_\_
- Enclosed is a copy of a non-English publication(s) \_\_\_\_\_. Pursuant to §609 of the M.P.E.P., Applicant submits the attached foreign search or examination report, which cites such non-English language publication(s).

- Enclosed is a copy of a non-English publication(s) \_\_\_\_\_. English language publication \_\_\_\_\_. (copy enclosed) claims priority from this non-English publication.
- Enclosed is an explanation of non-English publication(s) \_\_\_\_ for which an English translation is not available.
- Enclosed is an English translation of non-English publication(s) \_\_\_\_ cited in the attached Form PTO/SB/08.
- Enclosed is a copy of pending patent Application Serial No. \_\_\_\_.

This Information Disclosure Statement is filed after the period specified in 37 C.F.R. § 1.97(b), but before the mailing of any of the following:

- a final action under 37 C.F.R. §1.113;
- a notice of allowance under 37 C.F.R. §1.311; or
- an action that otherwise closes prosecution in this application.

In accordance with 37 C.F.R. §1.97(c) also enclosed is:

- Fee under 37 C.F.R. §1.17(p) in the amount of \$180.00; or
- Statement as specified in 37 C.F.R. §1.97(e):
  - Each item of information contained in the Information Disclosure Statement cited herein was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of the Information Disclosure Statement; or
  - No item of information contained in the Information Disclosure Statement submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, having made a reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing date of the Information Disclosure Statement.

It is respectfully requested that the Examiner consider the above-noted information and return an initialed copy of the attached Form PTO/SB/08 to the undersigned.

Dated: December 8, 2009

COOLEY GODWARD KRONISH LLP  
ATTN: Patent Group  
777 6<sup>th</sup> Street NW, Suite 1100  
Washington, DC 20001

Tel: (703) 456-8000  
Fax: (202) 842-7899

By:

Respectfully submitted,  
**COOLEY GODWARD KRONISH LLP**

  
C. Scott Talbot  
Reg. No. 34,262